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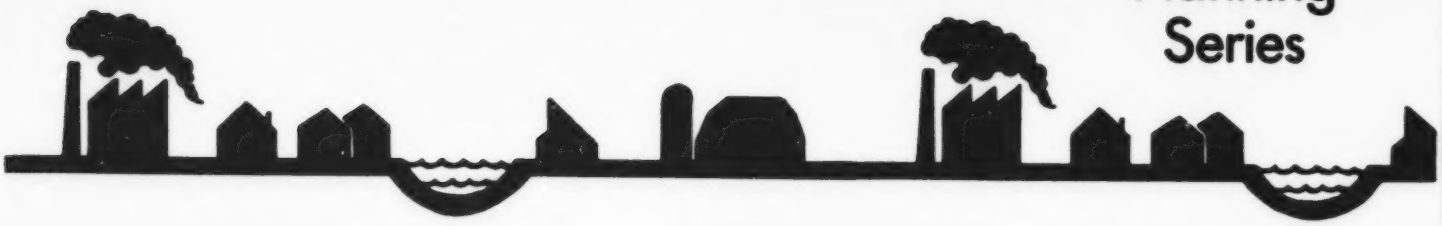
Municipal Environmental Planning Series



Environment Ontario and Municipal Planning

An Introduction to the Series

URBAN DOCUMENTATION CENTRE
RESEARCH UNIT FOR URBAN STUDIES
McMASTER UNIVERSITY
HAMILTON, ONTARIO

....An Advisory Publication

Ontario
Ministry of the Environment
Hon. Andrew S. Brandt
Minister
Brock A. Smith
Deputy Minister

June, 1984

1. WHAT WILL THIS SERIES COVER?

This advisory series is intended to detail the Ministry of the Environment's (MOE) technical environmental concerns in municipal land use planning and to describe our plan review function to municipal planners, politicians and planning consultants, who are involved in the plan preparation and approvals process. The series is not a Government policy or guideline. We wish to advise you of the kind of environmental information you need for the preparation of official plan background reports and for the submission of planning applications. This should save you, as well as ourselves, time, energy and money.

Brochures will be published on subjects of obvious environmental concern to MOE. Topics will include water supply, sewage disposal, solid waste disposal, air emissions and land use compatibility.

The Ministry of the Environment is interested in knowing of those environmental problems which concern you most in your plan reviews, and which you would like to see discussed in this series. We can be contacted at the MOE offices listed on the back page.

2. WHY ARE WE INVOLVED IN LAND USE PLANNING?

The Ministry of the Environment has an active role in protecting environmental quality for the people of Ontario. Our goal is:

> "to achieve and maintain a quality of environment — including air, water and land — that will protect human health and the ecosystem and will contribute to the well-being of the people of Ontario."

As a result, we try to ensure that development in Ontario will protect and enhance the environment. How do we do this? There are a number of ways, involving both control and prevention of environmental problems.

Environmental Legislation

The major tools which MOE uses to ensure that development does not harm the environment are environmental laws and regulations, such as the Ontario Water Resources Act and the Environmental Protection Act.

The Environmental Protection Act prohibits emission of pollutants, such as any solid, gas, liquid, odour, sound, vibration, radiation or combination of these, which result directly or indirectly from the activities of man and may cause injury to humans, plants, animals or property. The legislation can be used to prevent these pollutants in two ways: abatement and control.

Controls are effected through legislation which requires most emission-producing businesses and industries to obtain licences and approvals before they may proceed. Pollution problems are minimized by requiring the use of advanced pollution control equipment and good environmental management techniques. Pollution control is a proactive step, designed to prevent problems before they occur. Controls, however, cannot solve pollution problems under all circumstances all of the time. Regulatory requirements are not capable of controlling fugitive emissions, equipment breakdown or plant upsets.

Pollution abatement occurs when enforcement action is necessary to rectify contraventions of the Acts mentioned previously. This is a reactive process which usually takes place after environmental damage occurs. It may involve penalties for the contravention of laws and regulations, such as fines. Correction of the problem, however, may not always be feasible for economic or technical reasons.

It is essential, therefore, that land use planning anticipate environmental impacts and incorporate safeguards that complement statutory requirements and minimize the need for costly abatement measures.

Environmental Planning

In the Ministry of the Environment, a preventative program to protect the environment is provided through our review of land use plans. This is where you, the municipal planner or politician, come in.

When one of your plans goes through the planning process for approval, the Ministry of the Environment evaluates it, and makes comments and recommendations on it. Our opportunity to comment on plans is provided through the Ontario Planning Act. For instance, in section 17(9), for official plans, and section 50(3), for subdivisions, the Act allows the Minister of Municipal Affairs and Housing (MMAH) or a delegated authority to confer with other agencies, including MOE, before approving or rejecting a plan. We also comment on condominium proposals, zoning by-laws, consents, and various other matters that come under Ontario planning legislation.

What are the advantages of environmentally sound land use planning? First, it helps prevent pollution problems before they occur. Second, sound planning allows more options to be considered and the best possible solutions to be chosen before deciding on development details. Land use conflicts, therefore, can be minimized or prevented. Third, it is a cheaper and often more effective means of prevention than pollution control. If abatement measures are required after this, the amount and expense of the measures can be reduced. The benefits of environmentally sound land use planning bear directly on our responsibility for environmental quality, and so, the municipal planning process is important to us.

To summarize, the Ministry of the Environment manages and protects the environment by means of both legislation to prevent or reduce pollution problems, and recommendations made in conjunction with the municipal plan review process. The Municipal Environmental Planning Series discusses this latter aspect in some depth.

3. WHAT IS MOE CONCERNED ABOUT?

We make comments and recommendations on matters related to our mandate, which covers noise, air quality, water quality and quantity, servicing (including water, sewage, and waste management), and significant land use conflicts. Figure 1 highlights these areas and other publications in this series will elaborate on some of them.

This mandate is derived from the Environmental Protection Act (EPA), the Ontario Water Resources Act (OWRA), the Environmental Assessment Act (EAA), and the Pesticides Act. It is further clarified through MOE policies contained in our *Manual of Environmental Policies and Guidelines*.

In most cases we do not have direct approval power in the planning process, but our comments are carefully considered by the Ministry of Municipal Affairs and Housing or the appropriate approval authority in making a decision concerning approval.

There are a number of "gray areas" where it is sometimes difficult for municipalities to know whom they should consult. In these areas, we will discuss concerns

related to our mandate with both the municipality, and other agencies and Ministries. Co-operation between Ministries is necessary to ensure that concerns are fully addressed. For example, the Ministry of Natural Resources is responsible for commenting on fisheries. We comment, however, on matters relating to water quality and quantity which are of paramount importance to the survival of fish species.

Other subjects are not our concern. An example of this is wildlife which is primarily the responsibility of the Ministry of Natural Resources.

Figure 1:

MOE Mandate for Commenting on Land Use Planning Matters

The following subjects are MOE concerns:

(a) sewage treatment and water supply;
(b) quality and quantity of water in lakes, rivers, streams, aquifers;
(c) urban drainage management;
(d) waste management;
(e) soil contamination;
(f) air quality, air pollution, air management; including plume interception;
(g) noise and vibration;
(h) incompatible or conflicting land uses, e.g., land use around sewage treatment plants or industrial sites;
(i) the Agricultural Code of Practice;
(j) interministerial and intergovernmental agreements on certain policy matters, e.g., Canada-Ontario Water Quality Agreement, Trans-Boundary Air Quality (Windsor-Sarnia);
(k) the Environmental Assessment Act as it relates to matters described in a land use plan;
(l) compliance with any conditions in an approval issued under EPA, OWRA or EAA.

4. HOW DO WE MAKE OUR INPUT?

We provide input both during the development of a plan and during the formal review of the plan.

Consultation During the Development of Plans

Consultation and the pre-circulation review may occur while municipal staff or plan applicants are preparing an application for the approvals process. Changes to plans at this point are common. Figure 2 below shows the planning process for official plans in very general terms, as an example of our participation in plan review. Pre-circulation input is indicated on Figure 2 with dashed lines.

Pre-circulation offers a number of advantages to you as a planner and to our MOE staff. When we are involved at an early stage in plan formulation, identified environmental problems are open to a wider variety of solutions. Changes are more readily negotiable at this stage since formal or Ministerial modification is not required. Pre-circulation input may speed up the final review. For these reasons, we encourage you to take advantage of the opportunities which the pre-circulation review provides.

The pre-circulation review may take time that developers, planners and MOE staff do not always have available. When this is the case, especially when a potential environmental problem is suspected, a telephone call will often help to clarify a problem or find a solution with respect to our concerns. MOE reviewers can then identify whether the matter is important enough to warrant a meeting to discuss it or to carefully scrutinize the plan.

Formal Review

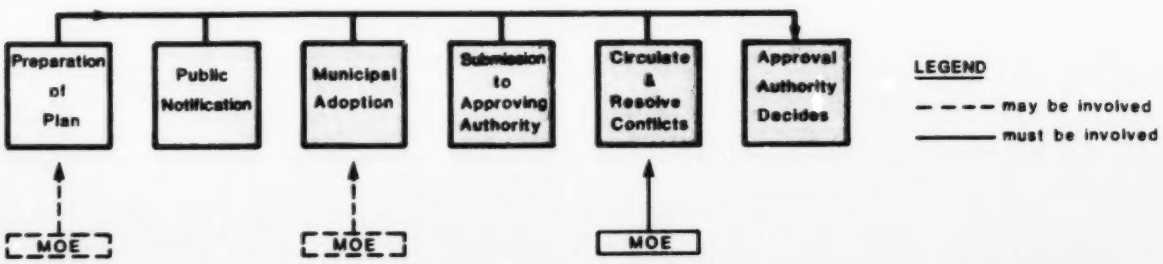
As an example of our involvement in the formal plan review process, the solid arrow in Figure 2 indicates the avenue of MOE participation. At this point we are making comments on finalized planning applications. The formal review provides for sound environmental planning, as discussed previously; it allows our Ministry to address concerns before they become actual problems. Attention can be given to resolving conflicts and building solutions into the siting and physical structure of the development.

Formal circulation occurs at a point in the plan review process when the type and details of a development have been determined. Therefore, changes which MOE feels are necessary can only be effected by formal modification.

5. HOW IS THE PLAN REVIEWED WITHIN MOE?

Formal planning applications are circulated to the Ministry of the Environment in one of two ways. If a municipality has delegated approval powers, that municipality will circulate the plan to the MOE Regional or District Office. If there is no delegated municipality, the plan is sent to the Ministry of Municipal Affairs and Housing. They will distribute it to other Ministries and public agencies and co-ordinate the comments. The plans are submitted to the relevant MOE Regional or District Offices. There are six MOE Regional Offices and twenty-three District Offices. In some Regions, reviews of official plans and subdivisions are co-ordinated entirely at the regional level. In others, the functions are split up so that the Regional Office deals with all official plans and amendments and the local District Office handles the plans of subdivision. This split is explained on the last page of this brochure, under *MOE Regional and District Offices*.

FIGURE 2 : M.O.E. INVOLVEMENT IN THE OFFICIAL PLAN REVIEW PROCESS



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Pre-circulation applications follow a similar route to that of the formal application. Pre-circulations come to us either directly from the developer, the local municipality, the delegated municipality or from the Ministry of Municipal Affairs and Housing.

Our comments may be transmitted to you in a verbal or written form. If information on an application is incomplete, our position and comments on the *formal* circulation may change when all the information is provided. We endeavour, however, to ensure that comments are not changed or added if there are not substantive differences in the content of the formal submission.

MOE Internal Circulation

Upon receiving your application, the MOE reviewer will circulate it to other groups in the Regional or District Office to ensure that your plan has addressed all matters related to our mandate.

The Municipal and Private Abatement Section is concerned with ensuring that all matters relating to servicing and waste management are addressed.

If a proposal includes major changes to water or waste water systems that the Ministry of the Environment owns, the *Utility Operations Section* may be involved.

If industry is involved in an application, the *Industrial Abatement Section* reviews the plan.

The Technical Support Section handles all other concerns related to air, land, noise and water. Specialists such as hydrogeologists, air quality analysts, engineers and land use planners look over your application to ensure that the environment is protected. The Planning and Approvals Unit or District Officers co-ordinate all the MOE comments and draft a response.

The response is then sent back to the circulating agency.

6. WHAT DO WE LOOK FOR IN YOUR PLANS?

The planning process contains two levels of involvement: the policy formulation level, which includes official plans and other municipally adopted policy; and the implementation level, including such tools as plans of subdivision, site plans, consents and zoning by-laws. Environmental matters should be taken into consideration at *both* levels if environmental management is to be effective.

At the policy level, municipalities should take a proactive approach to addressing environmental concerns, by including appropriate policies in the official plan. At this stage, studies can be made and other information collected to provide a firm environmental data base from which to make decisions about planning applications. This would include:

- existing and known future land use in sufficient detail to identify potential land use conflicts;
- a description of the sources of environmental contaminants and their potential impacts;
- a description of the natural and man-made environment as it relates to servicing constraints;
- the servicing infrastructure including growth forecasts, system capacities and future requirements necessary to accommodate projected growth.

In this advisory series, we will elaborate on the types of environmental information which will be most useful to your municipality in formulating background reports and official plans.

At the implementation level, municipalities and plan applicants can aid our review of plans in a number of ways. First, they should include information relating to MOE's mandate as presented in Figure 1. At the very least all information that is required under the Planning Act should be included. In addition, we would like to receive any other relevant environmental information, especially background studies, as required by your official plan. If they are not provided we may ask that studies be completed so we can adequately assess an application.

In order to conduct an internal circulation, MOE staff require at least three full sets of information, and sometimes more if the review is a complex one. Complete information packages enable us to finish our reviews quickly.

We request that municipalities provide us with copies of the final approved plans so that we may determine how our concerns have been met and so that we have your plans on file for future reference. The Ministry can review your plan more efficiently if you indicate the changes made between draft and final plans.

MOE REGIONAL AND DISTRICT OFFICES

In the following regions, official plans and subdivisions are handled entirely at the MOE regional level: Central, Northwestern, and Southeastern Regions. In Southwestern, West-Central and Northeastern Regions, the functions are split up so that the Regional Office deals with all official plans and amendments and the relevant District Office handles the plans of subdivision.

This series is prepared by the Land Use Unit, Operational Services Section, Environmental Approvals and Project Engineering Branch, Toronto (416-965-6963)

Northwestern Region,
P.O. Box 5000,
435 James Street South,
Thunder Bay, Ontario P7C 5G6
(807) 475-1215

Thunder Bay District Office
(705) 475-1305

Kenora District Office
(807) 468-5578

Northeastern Region,
11th Floor, 199 Larch Street,
Sudbury, Ontario P3E 5P9
(705) 675-4501

Sudbury District Office
(705) 675-4501

Timmins District Office
(705) 264-9474

Sault Ste. Marie District Office
(705) 949-4640

North Bay District Office
(705) 476-1001

Southwestern Region,
985 Adelaide Street South,
London, Ontario N6E 1V3
(519) 681-3600

London District Office
(519) 681-3600

Owen Sound District Office
(519) 371-2901

Sarnia District Office
(519) 336-4030

Windsor District Office
(519) 254-5129

West-Central Region,
P.O. Box 2112, 12th Floor,
119 King Street West,
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York Durham District Office
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Halton-Peel District Office
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Barrie District Office
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Peterborough District Office
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Kingston District Office
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